

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, September 10, 2015**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Peter Oehlkers, Alison Richardson, Sharon Soltzberg, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Joel Bargmann, Paul Beaulieu, Patricia Carey, Karon Skinner Catrone, Amy Collins, Dave DiCicco, Katy Dirks, Michael Fazio, Hank Haff, Xin Jiang, Shirley Klepadlo, Wayne Masterson, Larry Mintz, Janet Muldoon, Ray Muldoon, Georgina Arrieta-Ruetenik, Greg Smith, Andy Truman

J. Carter Bernardo opened the public meeting at 7:35 pm.

**MISCELLANEOUS BUSINESS:**

**MINUTES:**

Motion to approve the Meeting Minutes of August 27, 2015, as revised, by S. Soltzberg, seconded by A. Richardson, approved 3-0-1 P. Oehlkers abstained

**ENFORCEMENT & VIOLATION UPDATES**

**SOLAR CITY – NEEDHAM RECYCLING AND TRANSFER STATION**

M. Varrell explained that unauthorized tree removal had taken place at the Needham RTS as part of the solar installation project. Wayne Masterson of Solar City is present to address the Commission. M. Varrell stated that the erosion controls have been installed and he had asked W. Masterson to have a survey done and indicate the location and number of trees removed without approval on a plan. Mr. Masterson apologized to the Commission and explained that they had marked the trees for removal that were located outside the 100-foot Buffer Zone; however, the tree removal company continued to remove ten trees not marked inside the Buffer Zone. The trees had been chipped and the debris blown into the woods. The stumps remain in place. M. Varrell noted that it appeared some ground disturbance had occurred as well.

J. Carter Bernardo stated that the Town of Needham Tree Removal Policy recommends a tree replacement ratio of 1:2, for every tree removed, two must replace it. W. Masterson was asked to work with Greg Smith the RTS Superintendent to determine a location to plant the replacement trees that would work and not be in the way of future projects on site. G. Smith said that he would prefer twenty (20) trees to be planted just offsite. Once the locations are chosen, W. Masterson shall present the Commission with a planting plan. A. Richardson suggested that they choose native deciduous trees such as oaks and maples. In addition, the Commission is requiring that the wood chips be removed from the Buffer Zone. The Commission instructed M. Varrell to issue an Enforcement Order to submit a planting plan by a certain date. W. Masterson stated that it would take time to meet with the RTS Supervisor and coordinate tree planting locations. He will start contacting nurseries to get an idea of what trees are in stock.

***Motion to issue an Enforcement Order to Solar City Corp. for unauthorized tree removal in the Buffer Zone to BVW at the Needham Recycling and Transfer Station by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0***

***Motion to issue a fine in the amount of \$2,000 to Solar City Corp. for the unauthorized removal of 10 trees within the 100-foot Buffer Zone to BVW at the Needham RTS by P. Oehlkers, seconded by S. Soltzberg, approved 4-0-0.***

## **HEARINGS**

### **11 NEWELL AVENUE – REQUEST FOR DETERMINATION OF APPLICABILITY**

Applicant: Nick Kesaris

Project: After the fact request for unpermitted replacement of sod and installation of pavers beneath the existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Present for the Applicant: Nick Kesaris

J. Carter Bernardo opened the public hearing at 7:45 p.m.

The homeowner/applicant, Nick Kesaris explained that he had spoken to M. Varrell one to two years ago regarding hazard trees located on his property that needed to be removed. He hired Hartney-Greymont to assess the health of the trees. Their findings were that seven (7) trees were dead or dying. He sent M. Varrell an exemption request to remove the trees and install a fence, which was subsequently approved. The homeowner claimed that he was unaware that he needed a Permit to replace the lawn and the stone beneath the existing deck with pavers. A neighbor, Ray Muldoon, stated that the Applicant had removed all the groundcover in addition to the trees and had expanded the lawn area as well. He noted that the recent grading in the front yard increases runoff to their property. J. Carter Bernardo stated that the homeowner will most likely be required to submit a planting plan to install native plantings in the disturbed area between the fence and the wetlands. J. Carter Bernardo will perform a site visit over the weekend.

***Motion to continue the public hearing for 11 NEWELL AVENUE (for a Site Visit) to September 24, 2015 at 7:45 by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.***

### **1 ELIZABETH CIRCLE – *continued* NOTICE OF INTENT (DEP FILE #234-7XX)**

Applicant: Jeff Birnbaum

Project: An after-the-fact application for disturbance of Riverfront Area. The Applicant previously removed nine (9) trees and graded the lot, stockpiling all topsoil. Proposed work includes re-landscaping of the lot, including planting of new trees and shrubs, sodding of the lawn, and installation of a patio and fire pit, which is partially within Riverfront Area. An existing fence is proposed to be replaced. The Applicant is proposing to remove an additional five (5) trees within Riverfront Area.

Present for the Applicant: No one

Supporting Documents include:

- ☐ WPA Form 3 – Notice of Intent and supporting documents received May 21, 2015
- ☐ Needham Wetlands Protection Bylaw Application for Permit received May 21, 2015
- ☐ Plan entitled: “Site Plan of Land in Needham, MA 1 Elizabeth Circle”, prepared by Everett M. Brooks Co., signed and stamped by Michael S. Kosmo, P.E. #31480 and Bruce Bradford, P.L.S. #38376, dated 11/4/14 (revised 5/18/15).

- Plan entitled: “Landscape Plan Birnbaum Residence Elizabeth Circle, Needham, MA”, prepared by Belmont Landscape & Tree, dated 4/15/15, revised 6/25/15
- Document entitled “Alternative Analysis for 1 Elizabeth Circle”, received at the 6/25/15 Conservation Commission hearing.
- Document entitled “Alternative Analysis for 1 Elizabeth Circle”, dated August 19, 2015

J. Carter Bernardo opened the public hearing at 8:00 p.m. M. Varrell stated DEP had not yet issued a File number.

The Commission had requested that the Applicant provide a revised Landscaping Plan that includes revisions, proposed plant sizes, and includes the 200-foot Riverfront Area line. M. Varrell reported that the revised plan had not been submitted.

***Motion to continue the public hearing (for submittal of additional information and the issuance of a DEP File number) for 1 ELIZABETH CIRCLE (DEP File #234-7XX) to September 24, 2015 at 7:45 p.m. by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.***

## **18 HIGHLAND CIRCLE – REQUEST FOR DETERMINATION OF APPLICABILITY**

Applicant: Carmelo Iriti

Project: The project consists of the construction of two additions to the existing restaurant. A 280 s.f. portion of one of these additions is located within the 200-foot Riverfront Area to the Charles River located to the north of the site. A drywell is proposed to infiltrate the additional roof runoff and is to be located in the parking lot adjacent to the addition. Once the drywell is installed, a planting area will be created above it, reducing the impervious area. Erosion controls are depicted on the Plan.

Present for the Applicant: Carmelo Iriti (Applicant) and Karon Skinner Catrone (Representative)

J. Carter Bernardo opened the public hearing at 8:15 p.m.

Karon Skinner Catrone explained Mr. Iriti is proposing to construct two (2) additions onto his restaurant. Approximately 280 s.f. of one of the additions is located within the 200-foot Riverfront Area to the Charles River. The work will take place within existing paved surfaces and erosion controls are proposed. Roof drains will be tied into the proposed drywell with a roof leader. The drywell is designed to infiltrate a 1-inch storm. No Floodplain or Priority and Estimated Habitat are located in the vicinity.

***Motion to close the public hearing for 18 HIGHLAND CIRCLE by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.***

***Motion to issue a Negative Determination of Applicability for 19 HIGHLAND CIRCLE by P. Oehlkers, seconded by A. Richardson, approved 4-0-0.***

## **LINDEN STREET/CYPRESS STREET – NOTICE OF INTENT (DEP FILE #234- 7XX)**

Applicant: Jorge Oslan, Oak Street LLC

Project: Utility work to connect the proposed utilities from Cypress Street to existing utilities in Linden Street and for the construction of Cypress Street. Portions of the work are located within the 100-foot Buffer Zone to Bordering Vegetated Wetlands. The proposed limit of work is approximately 23 feet from the limits of BVW. One tree is proposed to be removed.

Present for the Applicant: Paul Beaulieu, Field Resources

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received August 27, 2015
- ❑ Needham Wetlands Protection Bylaw Application for Permit received August 27, 2015
- ❑ **Plan entitled: “Notice of Intent Conservation Commission Plan and Profile Intersection of Cypress & Linden Street Needham, Mass.”, prepared by Field Resources, Inc., stamped and signed by Bradley J. Simonelli, P.L.S. #47581, dated 8/20/15.**

J. Carter Bernardo opened the public hearing at 8:20 p.m.

M. Varrell noted that DEP had not issued a file number yet. P. Beaulieu from Field Resources presented the proposed project. P. Beaulieu stated that currently Cypress Street is a paper street. It is proposed to be a driveway for a proposed single-family home as part of a subdivision project. The parcel had been subdivided into six lots many years ago. Now the three lots in the front and 3 lots in the back have been changed to 2 lots in the front and two in the back. One will front on Oak Street. This discussion concerns Parcel B. All of the Stormwater calculations for Parcel B had been approved by the Needham Engineering Department.

P. Beaulieu explained that the proposed work on Cypress Street includes a 12-foot wide bituminous concrete driveway as part of a total of 24-feet of supported roadway required to provide access to fire trucks in case of an emergency. They are proposing on either side of the driveway to install 6-feet of turf stone. It has the appearance of grass but is supported by concrete. He explained the fire department has agreed to the use of this product. They had wanted to do grass and the fire department had wanted asphalt. Because of the wetland off the side of Linden Street, and the topography there is a high water table. J. Carter Bernardo asked for clarification regarding drainage. Two trees are proposed for removal. P. Beaulieu noted that one tree was proposed for removal and one stump is proposed for removal. He doesn't know when the tree was removed. Four trees are proposed to be installed. The neighbor to the south wants to be shielded from the proposed work and that was one of the considerations in determining the location of the trees.

J. Carter Bernardo stated that she wants to review all the Stormwater calculations for the entire site including outside the Commission's jurisdiction. She wants to be sure that none of the drainage leaves the site. M. Varrell explained that as part of the project is on Town owned land (Linden Street), the Town must sign off on the project. The Town Engineer suggested the street opening permit would cover the sign off from the Town. J. Carter Bernardo wants the maps to review as well.

A neighbor from 23 Blake Street stated she abuts the wetlands in the back. She is concerned about overflow backing up to the wetlands will end up in her house. She stated that 4-5 inches of water just sits there after storms. J. Carter Bernardo stated that Applicant is working to collect that water so she won't have issues. The flow will be reduced by using the pervious pavers as well.

***Motion to continue the public hearing for Linden Street/Cypress Street (DEP File #234-7XX) for submission of additional information to September 24, 2015 at 8:00 p.m. by A. Richardson, seconded by P. Oehlkers, approved 4-0-0.***

## **OTHER BUSINESS**

## **INFORMAL DISCUSSION – RECYCLING AND TRANSFER STATION (GREG SMITH, SUPERINTENDENT – RECYCLING AND SOLID WASTE DIVISION)**

Greg Smith, Superintendent of the Needham RTS, Recycling and Solid Waste Division updated the Commission on recent work taking place at the RTS. He explained that a lot of windborne debris has been ending up in the wetlands adjacent the RTS. His crews have removed as much as possible but as it is an on-going issue they would propose installing special fencing to catch the debris before it enters the wetlands. The proposed fence would be six to eight feet high and it would be sensitive to wildlife. In addition they will be proposing to pave the road at the RTS because it turns into mud during the winter with runoff entering the stream. They would propose increasing the size of the detention basin to deal with increased runoff from the paved roadway. G. Smith will put together a proposed scope of services to go over with M. Varrell to determine the next step.

### **INFORMAL PRESENTATION FOR ROSEMARY POOL DESIGN (BARGMANN HENDRIE ARCHETYPE, INC.)**

Hank Haff of the Needham Public Facilities, Construction Division introduced Joel Bargmann, Andy Truman and Mike Fazio of Bargmann Hendrie Archetype, Inc. The team gave a brief overview of their proposed design and asked the Commission for feedback regarding Permitting the project. They discussed work within the 25-foot Buffer Zone to the lake, possibly replacing the beach sand with pervious pavers on a portion of the pool surround and questioned the feasibility of a structure to turn the pool into an indoor pool for part of the year.

### **CAROL-BREWSTER MONITORING DISCUSSION**

D. Anderson explained that the final Monitoring Report for the plantings at the Carol-Brewster Conservation Area had been submitted to the Commission for review at the January 8, 2015 public meeting. The Report stated that 74% of the plantings had survived since their installation in 2011. She had stated that the Order of Conditions required a rate of 75% survival to be deemed successful or the Commission could determine that the percentage survival was considered a success. D. Anderson asked the Commission for their opinion if draft Certificate of Compliance requests were submitted to the Commission whether they would find the 74% survival rate successful or if they would require another year of monitoring. The Commission agreed they would be open to closing out the Permits.

### **REQUEST FOR MINOR MODIFICATION – 46 BORDER ROAD (DEP FILE #234-731)**

M. Varrell explained that the proposed Minor Modification was for a change in the proposed deck. They are requesting to “bump out” the deck an additional 2-feet and cantilever it over the grass. No additional footings would be necessary.

***Motion to approve the Minor Modification to the Order of Conditions for 46 Border Road (DEP File #234-731) for deck revisions by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0***

***Motion to adjourn the meeting by S. Soltzberg, seconded by P. Oehlkers, approved 4-0-0.***

***The meeting was adjourned at 10:00pm.***

### **NEXT PUBLIC HEARING**

*Thursday, September 24, 2015 at 7:30 PM in the Public Services Administration Building, Charles River Room.*